

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**ROGER IRRUEL HERNANDEZ,**

**Defendant.**

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**8:08CR232**

**ORDER**

This matter is before the court on the motion for an extension of time by defendant Roger Irrael Hernandez (Hernandez) (Filing No. 13). Hernandez seeks an additional sixty days in which to file pretrial motions in accordance with the progression order. Hernandez's counsel represents that Hernandez will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Hernandez's motion for an extension of time and for a continuance of trial (Filing No. 13) is granted. Hernandez is given until **on or before September 12, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 15, 2008 and September 12, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter will be rescheduled following the disposition of any pretrial motions filed in accordance with this order or upon the expiration of the deadline set forth herein whichever occurs later.

DATED this 15th day of July, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge